



GOVERNANCE COMMITTEE 3 NOVEMBER 2010

ITEM 5

Report of the Interim Strategic Director of Resources

NEW EXECUTIVE ARRANGEMENTS FROM MAY 2011

SUMMARY

- 1.1 This report asks the Committee to agree recommendations to full Council on the new executive arrangements to apply from May 2011.
- 1.2 Following consultation, it is recommended that Council confirm its previous decision to adopt a leader and cabinet model.

RECOMMENDATIONS

2. To recommend Council to:
 - a) Confirm the decision, made in principle at its meeting on 7 July 2010, that the Council will adopt the leader and cabinet model of executive arrangement from May 2011.
 - b) Approve the document Proposals for Executive Arrangement from May 2011 at Appendix 4
 - c) Agree that the Governance Committee make recommendations to the Council on 2 March 2011 on amendments to the Constitution.

REASON FOR RECOMMENDATION

3. The recommendations ensure that the Council meets its statutory obligations under the Local Government and Public Involvement in Health Act 2007.

SUPPORTING INFORMATION

- 4.1 At its last meeting, the Governance Committee resolved to:
 - 1) Agree that low level consultation, comprising of a press release and appropriate information on the Council's website including an opportunity to respond, be undertaken concerning the Council's proposed model of executive arrangements.
 - 2) Recommend that Council consider the results of the consultation and take a final decision at the scheduled Council meeting on 17 November 2010 rather than a special meeting on 15 December.
 - 3) Hold a further meeting of the Governance Committee at 6pm on 3 November

2010 to make recommendations to Council.

Full Council agreed to recommend 2) at its meeting on 8 September 2010.

- 4.2 Consultation ran from 1 September to 15 October 2010 using the 'Your City, Your Say' website. A press release was also issued and the Derby Telegraph ran two articles on the subject. A copy of the consultation document is reproduced as Appendix 2.
- 4.3 A total of seven responses were received, all by email. They are reproduced at Appendix 3. Of that seven, two favoured the leader and cabinet model, three favoured the Elected Mayor option and two complained about the consultation process.
- 4.4 Members will recall that the Minister for Housing and Local Government, Rt Hon Grant Shapps MP, wrote to councils urging them to take a low-cost approach to the consultation in view of the fact that the Coalition Government intends to legislate to change the statutory requirements relating to executive arrangements and leadership models in local authorities. This Governance Committee followed that advice, so it is perhaps not surprising that a low response was received.
- 4.5 Given that the response to the consultation is low and inconclusive, it is recommended that the Council confirms its decision, made in principle in July, that it will adopt the 'strong leader' model. The legislation requires that the formal Council resolution is passed at a '... meeting which is specially convened for the purpose...' It is proposed to hold this special meeting on 17 November 2010 immediately before the scheduled one.
- 4.6 The legislation requires that the Council draws up formal proposals and publishes them. A draft document entitled 'Proposals for Executive Arrangements from May 2011' is submitted at Appendix 4 for the committee's consideration.
- 4.7 The new form of Executive will require certain changes to the Council's Constitution. It is suggested that the draft changes be considered by the Governance Committee in February 2011 and, if agreed, submitted for approval by full Council on 2 March 2011. In this way, they can be ready for implementation by the statutory deadline in May 2011.

OTHER OPTIONS CONSIDERED

5. The other option for the Council's executive arrangements was the directly elected mayor and cabinet model. This was rejected by the Council at its meeting on 7 July 2010.

Legal officer	Olu Idowu
Financial officer	N/A
Human Resources Officer	N/A
Service Directors(s)	Stuart Leslie
Other(s)	

For more information contact: Steve Dunning 01332 255462 steve.dunning@derby.gov.uk

Background papers: None

List of appendices: Appendix 1 – Implications

Appendix 2 – Consultation Document

Appendix 3 – Responses to Consultation

IMPLICATIONS

Financial

1. None directly arising.

Legal

2. The Local Government and Public Involvement in Health Act 2007 requires Councils to change their executive arrangements to either a directly elected Mayor and Cabinet or indirectly elected Leader and Cabinet model. Following consultation, the Council must draw up proposals, pass a formal resolution no later than 31 December 2010, give public notice and cease operating its existing arrangements by the third day after the May 2011 local elections.

Personnel

3. None directly arising.

Equalities impact

4. None directly arising.

Health and Safety

5. None directly arising.

Carbon Commitment

6. None directly arising.

Value for money

7. None directly arising.

Corporate objectives and priorities for change

8. None directly arising.

Consultation on Derby City Council's Future Political Management Structure

1. The Local Government and Public Involvement in Health Act 2007 requires Derby City Council to review its executive arrangements and bring in changes from May 2011. 'Executive arrangements' refer to the political management structure under which the Council is run by its elected councillors.
2. Since December 2001, the Council has had what is known as a 'Leader and Cabinet' structure. Each year, one of our 51 councillors is elected as Leader by the full Council. The Council also appoints up to nine other councillors to work with the Leader as a Council Cabinet. The Cabinet take most of the strategic and key decisions on how local services are provided. Each Cabinet member has a specific portfolio, of services for which they are responsible. Full-time officials advise the Cabinet and implement their decisions.
3. There are also regulatory committees, such as licensing and planning control, overview and scrutiny commissions, and neighbourhood boards and forums. Some major decisions, such as approving the Council budget and council tax, are taken by the full Council.
4. The 2007 Act says that, from May 2011, we must change our executive system to either:
 - a directly elected Mayor and Cabinet
 - an indirectly elected Leader and Cabinet
5. A directly elected Mayor is someone elected by the voters in a citywide election, every four years. Under this option, the directly elected Mayor, would appoint a Cabinet made up of Councillors, similar to the option involving a Leader and Cabinet. This wouldn't affect the position of Derby's civic Mayor. The function of that office would be largely ceremonial, as it is now, although the title may change. The civic Mayor would still be chosen from the councillors each year.
6. Under this option
 - The Mayor could be from a political party, or from the wider community
 - The Mayor could have wide-reaching individual power, being elected on a personal mandate
 - The Cabinet would be appointed by the Mayor and have individual areas of responsibility allocated to them by the Mayor.
7. Under the second option the Leader is elected by the Council for four years (or until his/her term of office as a councillor ends). The Leader then appoints a Cabinet and allocates responsibilities to them.
8. Under both systems, regulatory committees, overview and scrutiny commissions and neighbourhood boards and forums would continue as at present.

9. The Council believes that as the Indirectly Elected Leader and Cabinet executive model is nearest to its current structure, it would better suit the needs of the city at the present time by providing stability and continuity in the current challenging circumstances.
10. However, the Council welcomes your views on which option it should adopt. Written comments should be sent to the Director of Legal and Democratic Services, Derby City Council, The Council House, Derby, DE1 2FS, or emailed to steve.dunning@derby.gov.uk, to be received no later than Friday 15 October 2010.

**RESPONSES TO CONSULTATION ON EXECUTIVE ARRANGEMENTS
1 SEPTEMBER – 15 OCTOBER 2010**

From JT:

I have received the consultation document. thank you.

I wish to state my support for an Indirectly elected mayor and cabinet.

I believe that directly electing a mayor would be an unnecessary expense that would lead to more campaigning on a personal rather than political / issues based level.

I want to see the continuation of a system based on party politics not personality.

From AF:

I read the article some two weeks ago and wondered to myself why the current batch of Councillors want to preserve the system that most replicates what they have at present.

I have long thought that the City would benefit from an elected Mayor, preferably an independent since I view party politics in local government a hindrance to local development. Further given the way in which the public have voted in recent years the City has no over all majority party and doesn't look like it will have in the near future. My views aside, I wondered how the decision will be arrived at and how much we the public can influence change at this time. As I understand it, without this review the process requires a petition followed by a referendum. Does this still apply under the terms of this review exercise?

One further point, whilst on the face of it, the article in the DET does constitute a form of consultation, its readership has been falling for a long time and as a result the number of people consulted would appear to be small. Is there not therefore an argument in favour of a wider consultation process in order to truly consult.

From AW:

If this is supposed to be a public consultation, open to the residents of Derby why has it not been widely advertised? Given the date 1/9/2010, which is some three weeks ago, why is it only today that it has been brought to the attention of online readers?

Could it be that our views are not required as the council does not want the council tax payers to be able to vote for a mayor?

From NB:

This so called "consultation" is a farce. No one even knows about it. I want to register the fact that a huge number of the local population are interested in this proposal but they are NOT being consulted.

This is in no way qualifies as a public consultation at all.

From DM:

Councillor Paul Bayliss has forwarded to me the proposed revisions to the way in which the Mayor is appointed or elected.

I am with the Council in preferring the method that is nearest to our existing method.

I am opposed to the idea of an elected Mayor.

From RA:

I would like to express my views regarding the selection of Mayor under the two possible options given by the government from May 2011.

I would like a Mayor that is answerable to the People not one that is selected for me by the 'Party' in power at the time.

I want a Mayor that I know who he/she is and that this is the person I can take my problems to if I do not get satisfaction elsewhere. Likewise if I don't like the policies being adapted I would know whom to be held responsible.

I want a Mayor that has a social conscience, knows the difference between right and wrong and is not directed by a party whip.

I want a Mayor that can be forced to resign by public pressure not one that remains in office until the next election, whether he/she is effective or not.

I want a Mayor that can question the leader of the council on his wisdom to pursue certain policies.

Therefore, I would like to express my wish for an elected Mayor.

From DG:

For many years, Derby has suffered from a critical lack of leadership. The resultant soft-touch government and governance has turned short-term compromise from a political necessity into a default position. The outcome of such a culture is a complete failure to achieve cross-party consensus for the long-term strategies that are required for the city to move forward. The current culture benefits no one other than those who seek to manipulate the democratic process by wheeling and dealing behind the scenes. Such a scenario inevitably leads to a lack of direct accountability to the citizens of Derby, with members focussing on short-term tactical advantage rather than the long-term welfare of the city.

Please accept my statement in support of a directly elected Mayor and Cabinet.



Proposals for Executive Arrangements from May 2011

1. In accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, Derby City Council has, following consultation, resolved to adopt the revised leader and cabinet option. This is known as the 'strong leader' model.

The Executive (Council Cabinet)

2. The full Council will elect one of its councillors as Leader for a four year term, or until:
 - The Leader's term of office as a councillor expires, or
 - The Leader is removed from office by a resolution of the full Council in accordance with Council's Constitution.
3. The Executive will be called the 'Council Cabinet' and will comprise between two and nine councillors appointed by, and in addition to, the Leader. The Leader will have the power to remove a Council Cabinet member from office.
4. All executive functions will be vested in the Leader. He/She will either discharge them personally or delegate them to one or more of the following:
 - The full Council Cabinet
 - A committee of the Council Cabinet
 - An individual member of the Council Cabinet
 - An officer
 - A ward committee, in conjunction with a neighbourhood board
 - A ward councillor.

Overview and Scrutiny

5. The Council will continue to carry out overview and scrutiny functions through a structure of overview and scrutiny commissions overseen by a Scrutiny Management Commission. Overview and scrutiny commissions will hold the Council Cabinet to account and conduct scrutiny reviews, including through call-in and Councillor Call-for-Action procedures.
6. One of the overview and scrutiny commissions will be designated as the Crime and Disorder Committee, and arrangements will be made to scrutinise external bodies.

Regulatory Committees

7. The Council will continue to exercise regulatory powers relating planning and licensing through appropriate committee structures.

Neighbourhood Boards and Forums

8. The Council will continue to operate a structure of neighbourhood boards and forums. The structure will be based on one partnership-based neighbourhood board for each ward including ward councillors, residents, community groups, and other key service providers. Within each ward there will be one or more neighbourhood forums. A ward committee of the three ward councillors will take formal decisions, on the recommendations of the neighbourhood board, in relation to any executive functions delegated by the Leader.

Ethical Framework

9. The Council will continue to manage its ethical framework, including the Code of Conduct for Elected and Co-opted Members, through a Standards Committee. The Standards Committee will comprise one councillor from each political group plus at least four independent members. The chair of the committee will be an independent member.

Transitional Arrangements

10. The transitional arrangements will involve changes to the Council's Constitution and scheme of delegations. The changes will be submitted for approval by the Council in March 2011, so that they can be implemented in May 2011. Other than constitutional changes, the new executive arrangements should not affect the broader decision making processes of the Council in any significant way.

Timetable

11. The Council intends to implement these proposals in accordance with the following timetable:

Publish notice of proposals: 30 November 2010

Proposed amendments to the Constitution to Governance Committee: February 2011

Finalise amendments to the Constitution to full Council: 2 March 2011

New executive arrangements and Constitution implemented form: 9 May 2011

17 November 2010.